

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/603,913 Confirmation No.: 4355
Applicant(s): Hashizume et al.
Filed: 06/24/2003
Art Unit: 3726
Examiner: Chang, Rick K.
Title: A Process for Manufacturing a Cover

Attorney Docket No.: 852.0029.U1 (US)
Customer No.: 29,683

Commissioner For Patents
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Alexandria, VA 22313-1450

Response to Restriction

Sir:

This is in response to the Office Action mailed 07/17/2008 in regard to the above-identified patent application. Applicants elect Species 1 with traverse. Claims 1-20 and 34 read on the elected species.

The examiner states that this application contains claims directed to patentably independent or distinct species.

MPEP §802.01 states that the term "independent" (i.e. unrelated) means that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect. Inventions are "distinct" as explained in MPEP §802.01 when the inventions as claimed are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process). MPEP §806.04(b) and 806.06

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similarly describe independent inventions as those that are not connected in design, operation, and/or effect.

Here, the species identified by the examiner are related. All of the claims (1-20 and 33-35) are drawn to a method of manufacturing an electronic device cover member having an electrical connector structure. Additionally, applicants submit that all of the claims are connected in at least one of design, operation, and/or effect as all of the independent claims (1 and 33) recite that the connector structure is configured to receive a connecting member therein. Merely because one set of claims further recites that the connector structure comprises an electrical connector receiving area does not provide for the Species 1 and Species 2 claims to be independent or distinct from each other. Regardless of whether or not one of the claim sets recites an opening/receiving area, both claim sets include a recitation that the connector structure receives a connecting member. Therefore, there is a disclosed relationship between the Species 1 claims and the Species 2 claims.

The examiner further states that there "is an examination and search burden for these patentably distinct species". MPEP §803 states that one of the criteria for a proper requirement for restriction between patentably distinct inventions is that there would be a serious burden on the examiner if restriction is not required.

In this case, there is no serious search burden. Any classifications of the invention would be related to each other since all of the claims are directed to an electronic

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device cover member having an electrical connector structure configured to receive a portion of a connecting member therein. Merely because Species 1 claims recite a connector structure configured to receive a portion of a connecting member therein, and Species 2 claims recite a connector structure comprising an opening, wherein the opening forms a receiving area, and wherein the receiving area is configured to receive a portion of a connecting member therein, does not justify a serious search burden on the examiner for searching claims 1-20 and 33-35 in the same application. Thus, since the examiner is examining claims related to a connector structure configured to receive at least a portion of a connecting member of the electronic component therein (as claimed in claims 1-20 and 34), it does not appear that the Species 2 claims (also relating to a connector structure configured to receive at least a portion of a connecting member of the electronic component therein) should be separated out into a separate patent application.

In view of the foregoing, the examiner is requested to reconsider the restriction in this case.

Favorable consideration and allowance is respectfully requested. If there are any additional charges with respect to this Amendment or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

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Respectfully submitted,



Juan Juan (Reg. No. 60,564)

8/12/2008
Date

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

8/12/2008
Date

Elaine F. Main
Name of Person Making Deposit